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Attorneys for Plaintiff HP Tuners, LLC

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

HP TUNERS, LLC, a Nevada limited liability
company,

Plaintiff,

vs.

KENNETH CANNATA,

Defendant.

Case No. 3:18-cv-00527-LRH-CSD

**AGREED PERMANENT INJUNCTION
ORDER**

Plaintiff HP TUNERS, LLC (“HPT”), by and through its undersigned legal counsel, and
Defendant KENNETH CANNATA (“Cannata”), by and through his undersigned legal counsel,
hereby stipulate that this Court enter this Agreed Permanent Injunction Order as set forth below.

RECITALS

WHEREAS, this Honorable Court commenced a bench trial in this matter on January 30,
2023 (“Bench Trial”);

WHEREAS, during the pendency of the Bench Trial, HPT and Cannata amicably resolved
the dispute between them subject to and in accordance with a settlement agreement dated January

30, 2023 (“Settlement Agreement”).

WHEREAS, a condition of the Settlement Agreement is the entry of this Agreed Permanent Injunction Order.

AGREED PERMANENT INJUNCTION ORDER

NOW THEREFORE, in consideration of the foregoing recitals, the Court hereby Orders as follows:

1) Cannata, his agents, and any persons acting at his direction, shall not and are hereby PERMANENTLY ENJOINED from the following activities:

- a. Releasing any confidential or proprietary intellectual property belonging to HPT to the public;
 - b. Releasing or selling any products or services that have been developed using HPT’s proprietary code, including the hardware device developed by [Cannata] in connection with the Syked ECU Tuning, Inc. software solution;
 - c. Releasing or selling any products or software based on or derived from HPT’s software or products;
 - d. Developing, planning, designing, researching, or, in any way creating any software or hardware based on or derived from HPT’s VCM Suite, MPVI cable, firmware, key generator, or other proprietary intellectual property;
 - e. Possessing, using, releasing or disseminating HPT’s confidential and proprietary intellectual property, including HPT’s source code files, key generator, administrative versions of the VCM Suite Software or documents containing any such information related thereto; and
 - f. Selling, releasing, providing or disseminating HPT credits and/or hacking, cracking, manipulating or otherwise misusing HPT’s software at any time in the future.
- 2) No security shall be required as a condition of the entry of this order.
- 3) The parties may stipulate to vacate this permanent injunction at any time.

1 4) The parties consent to the entry of this Agreed Permanent Injunction Order.

2 5) The parties request that the Court vacate the Bench Trial set for January 31, 2023
3 at 1:00 p.m.

4 6) The parties stipulation for dismissal shall be filed within 30 days of this date.

5 DATED this 31st day of January, 2023.

6 FLETCHER & LEE

SHEA LARSEN

7
8 /s/ Elizabeth Fletcher, Esq.
9 ELIZABETH FLETCHER, ESQ.

/s/ Bart K. Larsen, Esq.
BART K. LARSEN, ESQ.
Attorneys for Defendant Kenneth Cannata

10 MARKS & KLEIN

11
12 /s/ Andrew P. Bleiman, Esq.
13 ANDREW P. BLEIMAN, ESQ.
Attorneys for Plaintiff HP Tuners, LLC

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16 **IT IS SO ORDERED.**

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HONORABLE LARRY R. HICKS
20 UNITED STATES DISTRICT JUDGE

21 DATED: January 31, 2023
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